

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA

v.

PERRY E. LANDIS

09-166
Criminal No.

U.S. DISTRICT COURT
CLERK

09 MAY 13 P1:04

FILED

INDICTMENT MEMORANDUM

AND NOW comes the United States of America, by its attorneys, Mary Beth Buchanan, United States Attorney for the Western District of Pennsylvania, and Margaret E. Picking, Assistant United States Attorney for said District, and submits this Indictment Memorandum to the Court:

I. THE INDICTMENT

A Federal Grand Jury returned a two-count Indictment against the above-named defendant for alleged violations of federal law:

<u>COUNTS</u>	<u>OFFENSE/DATE</u>	<u>TITLE/SECTION</u>
1 and 2	Distribution of Explosive Materials On or about September 29, 2007. (Count 1) On or about March 27, 2008. (Count 2)	18 U.S.C. § 842(a)(3)(B)

II. ELEMENTS OF THE OFFENSES

A. As to Counts 1 and 2:

In order for the crime of Distribution of Explosive Materials, in violation of Title 18, United States Code, Section 842(a)(3)(B), to be established, the government must prove all of the following essential elements beyond a reasonable doubt:

1. On or about the date charged in the Indictment, the defendant, who was not at the time a licensee or permittee, distributed explosive materials.

2. The defendant acted knowingly.

3. The person to whom the defendant distributed the explosive materials was not a licensee or permittee.

Title 18, United States Code,
§842(a)(3)(B); United States v.
Blackwell, 946 F.2d 1049 (4th Cir.
1991).

III. PENALTIES

A. As to Counts 1 and 2: Distribution of Explosive Materials (18 U.S.C. § 842(a)(3)(B)):

1. A term of imprisonment of not more than ten (10) years.

2. A fine of \$250,000.

3. A term of supervised release of not more than three (3) years.

4. Any or all of the above.

IV. MANDATORY SPECIAL ASSESSMENT

A mandatory special assessment of \$100.00 must be imposed upon conviction, at each count, pursuant to 18 U.S.C. § 3013.

V. RESTITUTION


Not applicable in this case.

VI. FORFEITURE

Not applicable in this case.

Respectfully submitted,

MARY BETH BUCHANAN
United States Attorney


MARGARET E. PICKING
Assistant U.S. Attorney
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